

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SWEET BABY LIGHTNING ENTERPRISES
LLC and JOHN SLATER,

Plaintiffs,

v.

KEYSTONE CAPITAL CORPORATION,
FRANK NOCITO and MALCOLM TAUB,

Defendants.

21-CV-6528 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 22, 2022, Defendants moved to dismiss Plaintiffs' Amended Complaint. Pursuant to Local Civil Rule 6.1, any response to the motion to dismiss was due on October 6, 2022. To date, no response has been filed, nor have Plaintiffs sought an extension of time.

No later than October 24, 2022, Plaintiffs shall file either a response to Defendants' motion or a letter indicating that they do not intend to file a response. If Plaintiffs inform the Court that they intend to pursue this action but choose not to oppose Defendants' motion, the Court will deem the motion fully briefed and take it under submission. *See McCall v. Pataki*, 232 F.3d 321, 322-23 (2d Cir. 2000) ("[A]lthough a party is of course to be given a reasonable opportunity to respond to an opponent's motion, the sufficiency of a complaint is a matter of law that the court is capable of determining based on its own reading of the pleading and knowledge of the law."). If, however, Plaintiffs do not respond to this Order, either by responding to the motion to dismiss or by submitting a letter indicating that they do not intend to do so, then the Court may dismiss this action for failure to prosecute pursuant to Federal Rule

of Civil Procedure 41(b).

SO ORDERED.

Dated: October 19, 2022
 New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is positioned above a horizontal line.

Ronnie Abrams
United States District Judge